

REMARKS

Reconsideration is respectfully requested in light of the foregoing amendments and remarks which follow is respectfully requested.

Claims 1-4 are before the Examiner. Claim 4 has been added. See pages 1 and 18 of the specification and Tables 2-3. Claim 1 has been amended to include subject matter cancelled from claim 2 and to include language to further distinguish over the art of record and to maintain a clear line of demarcation between the claims of the instant application and that of '198 application, below. Support is found throughout the specification as filed including the Tables 1-6, Example 3 and the descriptive material appearing on page 18. Table 1 suggests the appropriate use of "approximately".

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,331,558 to Azechi et al. Applicants respectfully traverse.

Claim 1 as amended describes silicone rubber having high tear propagation resistance, containing an effective amount of a hydrophobic surface containing vinyl groups, structurally modified pyrogenic silica having a BET between 10 and 1000 m.²/g as filler.

The Azechi et al. patent has been considered, especially those passages identified by the Examiner and in addition, the examples (dimethylpolysiloxane). The silicone rubber product as claimed is not disclosed. There is no mention of destructured pyrogenic silica. There is no mention of DBP or bulk density values associated with low structure pyrogenic silica. Further, there is no mention of the high tear propagation resistance values like those disclosed. The viscosity values mentioned in the Azechi et al patent are also distinct from those disclosed and do not suggest the presence of low structure pyrogenic silica like Applicants'.

For a reference to be anticipatory, it must teach each and every element required by the claims.

Here, low structure pyrogenic silica is not taught nor is a silicone product with high tear

resistance.

Withdrawal of the rejection is respectfully requested.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,976,480 to Mangold et al. Applicants respectfully traverse.

Mangold et al. mentions the possible use of their silica as a filler in plastics and silicone rubber. However there is no disclosure of an actual silicone rubber product, especially one having a very high resistance to tear. Further, there is no mention of an educt composition that would lead to a silicone rubber product. Also, it is not clear that the Mangold et al. “destructured” silica filler product is analogous to that claimed and disclosed. Compare Table 3 on page 15 of the instant specification with those taught in the patent, e.g. Table 1 in col. 3. There is no mention of a hydrophobic product nor is there any mention of vinyl modified surface.

As noted above, anticipation requires a reference teaching of each and every characteristic required by the claims. Here, no such teaching is apparent, especially as to the amended claims. Withdrawal of the rejection is respectfully requested.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,976,480 to Mangold. Applicants respectfully traverse.

Mangold et al. patent is discussed above. It appears that the rationale for the rejection is that some assembly is required.

Unfortunately, there is no teaching in the primary reference or secondary references that guide one in the “assembly process”. The deficiencies noted above are not addressed.

Accordingly the teachings of Mangold et al. are insufficient, by themselves, to establish a proper prima facie case of obviousness as to the claim(s) as amended. Withdrawal of the rejection is respectfully requested.

Claims 1-3 are rejected on the ground of non-statutory obviousness type double patenting

as being unpatentable over claims 1-2 of U.S. Patent Application No. 11/050,198 ('198) (allowed on April 3, 2009). Applicants respectfully traverse.

Claims 1 and 2 of the '198 application have been considered.

The rejection appears to have been prompted due to the breadth of one or more of the claims of the instant application. This has been addressed. The claims have been amended to avoid the possibility of overlap and to maintain a clear line of demarcation.

In light of the claim amendments, it is believed that a clear line of demarcation now exists and reconsideration and withdrawal of the rejection is respectfully requested. Applicants reserve the right to file a terminal disclaimer should the Examiner still deem one to be needed.

Request for Interview

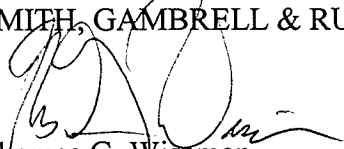
Applicants respectfully request either a telephonic or an in-person interview should there be any remaining issues.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Therefore, it is respectfully requested that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefore are hereby authorized to be charged to **Deposit Account No. 02-4300, Attorney Docket No. 032301.592.**

Respectfully submitted,
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